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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/563,645

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BRIARCLIFF MANOR, NY 10510

EXAMINER

CHU, KIM KWOK

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/563,645	<b>Applicant(s)</b> BLACQUIERE ET AL.	
	<b>Examiner</b> Kim-Kwok CHU	<b>Art Unit</b> 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on RCE filed on 3/11/2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on January 6, 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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***Continued Examination after Final Rejection***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 11, 2009 has been entered.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless -  
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.*

3. Claims 1-20 are rejected under 35 U.S.C. § 102(e) as being anticipated by Sasaki et al. (U.S. Patent 7,024,534).

4. Sasaki teaches a recording apparatus having all of the elements, means and structures as recited in claims 1-9. For example, Sasaki teaches the following:

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Regarding Claim 1, the recording apparatus (Fig. 2) for recording digital information signals on a removable rewritable disc-like recording medium 235 (Fig. 2; column 9, last 5 lines), the medium 235 (DVD-RAM as illustrated in Fig. 21) comprising a user area 102 (Fig. 21) for recording user data (AV files) represented by the digital information signals and for recording first file system data 1001 (Fig. 21; AV directory is the first file system) comprising directory and file entries pointing to the user data (AV files) according to rules of a first file system 101 (volume structure of the user area), a spare area 1005 (Fig. 21) outside the user area 1002 comprising replacement areas 1052 for defect management, a table area 1004, 1005 outside the user area 1002 for recording a defect table comprising a list of addresses 1045, 1046 of the replacement areas and defect areas in the user area (Fig. 21), a general application area 1003 (defective management; column 2, lines 21-28) outside the user area 1002 and outside the spare area 1005 for recording second file system data (Fig. 21; DMA data) comprising directory and file entries pointing to the user data 1002 according to rules of a second file system (Fig. 21; bad sectors in the user area 1002 are verified by the defect management operation's test data), the second file system data (DMA addresses 1045 and data of the defected areas in spare area

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1005) being different from the first file system 101 (volume structure of the first file system is different with the second file system data such as DMA data), the recording apparatus comprising input means 223 (Fig. 22; internal I/O bus is the input means) for receiving the digital information signals; recording means 234 for recording the digital information signals on the medium 235 (Fig. 22); reading means 234 for reading recorded digital information signals recorded on the medium 235; output means 223 (Fig. 22; internal bus is the output means) for outputting the read digital information signals; control means 231 (Fig. 22) for controlling recording the digital information signals, wherein control means 231 (Fig. 22, drive control) are adapted to increase a storage space for the second file system data (DMA data) by marking a part (within DMA 1004 and spare areas 1005) of the medium 235 as unusable (user restricted) in the defect table 1004, 1005 (by defect management) and recording a part of the second file system data (DMA data) in the part of the medium marked as unusable (Fig. 21; the storage space of defected data is increased by storing these data in the defected area in the spare area instead of limiting it in the user area).

Regarding Claim 2, the control means 231 (Fig. 22) are adapted to mark at least a part of the spare area as unusable in

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the defect table and to record the part of the second file system data in the at least the part of the spare area marked as unusable (defective sectors are detected and then marked/linked to the DMA 1004 and spare area 1005).

Regarding Claim 3, the control means 231 are adapted to search the defect table 1051, 1052 (Fig. 21) for a replacement area (spare area) address of a replacement area comprising recorded user data, to localize (link) the replacement area 1005 according to the replacement area address (Fig. 21), to search the defect table for a free replacement area address 1046 of a free replacement area without the user data, to localize the free replacement area according to the free replacement area address, to read the recorded user data from the replacement area, to record the user data read from the replacement area in the free replacement area and to mark the replacement area as unusable in the defect table (Fig. 23, step S1201; column 2, lines 41-57).

Regarding Claim 4, the control 231 means are adapted to mark a part of the user area 1002 as unusable (defective sectors) in the defect table and to record the part of the second file system data (test data such as 0 and 1) in the part of the user area marked as unusable (Fig. 21; the recorded test data such as 0 and 1 are defective).

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Regarding Claim 5, the control means 231 are adapted to search the defect table for a free replacement area address of a free replacement area without the user data, to localize the free replacement area according to the free replacement area address, to read recorded user data from the part of the user area, to record the user data read from the part of the user area in the free replacement area and to mark the part of the user area as unusable in the defect table (Fig. 23, step S1201; column 2, lines 41-57).

Regarding Claim 6, the control means 231 are adapted to collect change information related to changes of the first file system data or of the second file system data and to modify the first file system data or the second file system data in dependence on the change information (defective sector management; spare areas replace defective areas for recording user files).

Regarding Claim 7, the control means 231 are adapted to record the change information on the medium (Fig. 23).

Regarding Claim 8, the control means 231 are adapted to collect status information related to changes of the defect table and to modify the second file system data in dependence on the status information (Fig. 23).

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Regarding Claim 9, the control means 231 are adapted to record the status information on the medium (Fig. 23).

5. Method claims 10-20 are drawn to the method of using the corresponding apparatus claimed in claims 1-9. Therefore method claims 10-20 correspond to apparatus claims 1-9 and are rejected for the same reasons of anticipation as used above. In addition, the prior art of Sasaki also teach the following:

Regarding to Claim 19, a computer data system comprising a computer (Fig. 22 is a computer system for read/write AV files on a DVD-RAM disk) connected to a recording apparatus for recording digital information signals on a removable rewritable disc like recording medium (Fig. 22).

Regarding to Claim 20, a computer program product for recording digital information signals on a removable rewritable disc like recording medium (Fig. 22; column 30, lines 40-51).



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***Response to Remarks***

6. Applicant's Remarks filed on February 11, 2009 have been fully considered but it is not persuasive.

With respect to the amended independent Claims 1 and 10, Applicant states that the prior art of Sasaki et al. (US 7,024,534) does not teach the amended feature "the second file system data being different from the first file system" (page 16 of the Remarks, lines 3 and 4). Accordingly, the prior art of Sasaki et al. (U.S. Patent 7,024,534) teaches a first file system 101 which is a user volume structure (Fig. 21). In addition, Sasaki teaches a second file system data 1004 and 1005 which are data of the defective areas and its address indexes (Fig. 21). The user volume structure 101 and the defective data 1004, 1005 are different types of information and therefore the prior art of Sasaki discloses and anticipates Applicant's amended feature.

Furthermore, Applicant states that the prior art of Sasaki does not teach the amended feature "to increase a storage space for the second file system data by marking a part of the medium as unusable in the defect table and recording a part of the second file system data in the part of the medium marked as unusable" (page 16, lines 5-9). Accordingly, the prior art of Sasaki teaches a DMA area/table 1004 and a spare area/table 1005

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which are unusable/restricted areas for a user. The storage space for defective data (second file system data) is increase because there is an area 1005 to store it in addition to the original user area. In other words, the prior art of Sasaki's storage of the defective data (second file system data) is not limited in the user area and it can be stored in a spare area 1005 which is restricted to user's access as required in Applicant's Claim 1 and 10.

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7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kim CHU whose telephone number is (571) 272-7585 between 9:30 am to 6:00 pm, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen, can be reached on (571) 272-7579.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished application is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9191 (toll free).

/Kim-Kwok CHU/  
Examiner AU2627  
May 20, 2009  
(571) 272-7585

/HOA T NGUYEN/

Supervisory Patent Examiner, Art Unit 2627